

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE

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PATRICIA EZELL,

Plaintiff,

v.

NATIONAL RIFLE ASSOCIATION OF  
AMERICA ENDORSED INSURANCE  
PROGRAMS, A.G.I.A., INC. and LIFE  
INSURANCE COMPANY OF NORTH  
AMERICA,

Defendants.

No. \_\_\_\_\_

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**NOTICE OF REMOVAL**

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Defendants file this Notice to remove to this Court an action brought against them and currently pending in the Circuit Court of Lawrence County, Tennessee, bearing Docket No. CC-2232-08, and with respect thereto, would show this Court as follows:

1. The above-styled cause was commenced in the Circuit Court of Lawrence County, Tennessee, Case No. CC-2232-08, by virtue of a Complaint filed by Plaintiff Patricia Ezell on November 5, 2008, against Defendants. A.G.I.A., Inc. was served with process on November 7, 2008. Defendant National Rifle Association was served with process on about November 7, 2008. Defendant LINA has not yet been served but does not oppose removal of this matter to this Court. Pursuant to 28 U.S.C. § 1446(a), a copy of the aforementioned Complaint, along with copies of process, are attached hereto and made a part of this Notice by reference.

2. Upon information and belief, Plaintiff is a citizen of the State of Tennessee, County of Lawrence.

3. This action is one of a civil nature for damages claimed as a result of alleged breach of an insurance contract by the Defendants. At the time of his death, Plaintiff's husband, Herschel Layne Ezell, was a participant in an insurance plan purchased through Life Insurance Company of North America and The National Rifle Association ("Plan"). Plaintiff's action is civil in nature, there is complete diversity jurisdiction, and this Court has jurisdiction over Plaintiff's action under the provisions of 28 U.S.C. § 1332.

4. Defendants filed this Notice of Removal in this Court on December 2, 2008. Defendant's Notice of Removal has been filed within the 30 day time period in 28 U.S.C. § 1446(b) because it is being filed within thirty days of when Plaintiff filed the Complaint.

5. This Court has jurisdiction over this cause under 28 U.S.C. § 1332(a)(1) and (c)(1) and 28 U.S.C. § 1441, *et seq.*

6. There is complete diversity of citizenship between Plaintiff and Defendants.

7. Plaintiff alleges that her damages total \$150,000.00. Complaint ¶ 10.


8. The time period within which Defendants are required to file this Notice of Removal pursuant to 28 U.S.C. § 1446 has not yet expired. Since the date on which the applicable Defendants were served with the summons and a copy of the Complaint, there have been no other proceedings in this case in the Circuit Court of Lawrence County, Tennessee.

9. Defendant LINA files herewith a copy of all process, pleadings, and orders served upon all parties to this action and available from the Circuit Court of Lawrence County, Tennessee at the time of filing.

10. The allegations of this Notice are true and correct and within the jurisdiction of the United States District Court for the Middle District of Tennessee, and this cause of action is removable to the United States District Court for the Middle District of Tennessee.

WHEREFORE, Defendants file this Notice for the purpose of removing this action from the Circuit Court of Lawrence County, Tennessee, to the United States District Court for the Middle District of Tennessee.

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

By:   
Cameron S. Hill, TN BPR No. 017408  
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and

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Nashville, TN 37201  
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(615) 726-0464 facsimile

Counsel for Defendants


**CERTIFICATE OF SERVICE**

I hereby certify that I have on this the 2<sup>nd</sup> day of December, 2008, I caused a copy of the foregoing *Notice of Removal* to be served upon the following counsel of record for the plaintiff in the above-styled cause:

Ben Boston, Esq.  
Boston, Holt, Sockwell & Durham, PLLC  
235 Waterloo Street  
P. O. Box 357  
Lawrenceburg, TN 38464

by deposit in the United States mail, postage prepaid and properly addressed.

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

By:   
Emily H. Plotkin